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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,503	08/29/2001	David O. Hamilton	10019417-1	8040

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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WORKU, NEGUSSIE

ART UNIT	PAPER NUMBER
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2625

NOTIFICATION DATE	DELIVERY MODE
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07/09/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

<b>Office Action Summary</b>	<b>Application No.</b> 09/942,503	<b>Applicant(s)</b> HAMILTON ET AL.	
	<b>Examiner</b> NEGUSSIE WORKU	<b>Art Unit</b> 2625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 May 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 11-25 and 27-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-36, 38 and 41 is/are allowed.
- 6) ☒ Claim(s) 11-25 and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/22/6; 4/14/3; 8/29/1</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Response to Arguments**

1. Applicant's arguments see applicant's response, filed, on May 27, 2008 with respect to the rejection(s) of claim(s) 1-9, 27-38 and 41 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made with regard to claims 11-25 and 37, in view of the Office action submitted below.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 11-25 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakabayashi et al. (USP 7,113,306), in view of Takemoto (USP 6,335,742).

Regarding claim 11, Nakabayashi (306) teaches a method of automatically organizing digital images, (fig 2) comprising: acquiring a digital image from an image source (scanner system 11a of fig 2, for acquiring an image from the image source); automatically associating a date with the digital (image file editing section 20c and retrieving section 20d of fig 4, to execute according to the comment, a date and like

based on a parameter managed together with image file, col.12, lines 25-20);  
automatically converting the digital image into a data file (converting image into data file  
automatically is performed by image modification control section 40 of fig 8, which  
includes modification information, feature information, color matching information file  
update, and file date information, col.12, line 15-25).

Nakabashi (306) does not teach or disclose storing the data file into a folder of a  
file system, the folder having a folder name indicative of the date.

Takemoto (742) teaches storing the data file into a folder of a file system, the  
folder having a folder name indicative of the date (information indicative of a file name  
and its creation date is displayed in the folder list, col.1, lines 45-60).

Therefore, it would have been obvious to a person with ordinary skill in the art at  
the time the invention was made to have modified the imaging apparatus of  
Nakabayashi to include: storing the data file into a folder of a file system, the folder  
having a folder name indicative of the date.

It would have been obvious to a person with ordinary skill in the art at the time  
the invention was made to have modified Nakabayashi's imaging device by the teaching  
of Takemoto (742), it would have help user to provide a meaningful, descriptive name to  
the file, and therefore, it should be clear to one skilled in the art that anyone of a wide  
variety of scanning and image processing device, can be similarly employed to  
accomplish this desired result without depending from the teaching of the present  
invention.

Regarding claim 12, Nakabayashi et al teaches a method (fig 2) further including: creating the folder if no other folder is associated with the date (creating a folder is performed by (computer 12 (CPU 12E) of fig 2, and also see fig 5 and 5).

Regarding claim 13, Nakabayashi et al teaches the method (fig 2) wherein the date is the capture date when the image was captured by the image source (image scanner 11a of fig 2, capture the image and stored in the storage of computer 12 of fig 2, and a folder is created and data have been updated as shown in fig 5 and 6, where, film data associated by date).

Regarding claim 14, Nakabayashi et al teaches, wherein the date is the storage date when the image was converted into a data file, (image scanner 11a of fig 2, capture the image and stored in the storage of computer 12 of fig 2, and a folder is created and data have been updated as shown in fig 5 and 6, where, film data associated by date).

Regarding claim 15, Nakabayashi et al. teaches the method of (fig 1), wherein the data folder is associated with a particular month and year, (fig 5 and 6 shows folder associated with date, month and year).

Regarding claim 16, Nakabayashi et al teaches the method, (fig 1) wherein the data folder is selected from a set of data folders (see fig 5 and 6).

Regarding claim 17, Nakabayashi et al teaches the method, wherein the digital image is a previously captured image, (image captured by image scanner 11a of fig 2) and wherein the acquiring further includes: uploading the previously captured image (the captured image up loaded into computer 12, of monitor 17a of fig 2, for further processing and review).

Regarding claim 18, Nakabayashi et al teaches the method, (fig 2) wherein the acquiring further includes: predefining settings for image acquisition parameters appropriate to a photographic image, (a various parameters of the image data may be selected through image modification section 40 of fig 9, col.14, lines 5-15); and capturing the digital image with the image source according to the predefined settings item (scanning unit 11a, for a document or an item to be scan).

Regarding claim 19, Nakabayashi et al teaches the method, (fig 2) further comprising: performing a post-processing operation on the data file, (a various parameters of the image data may be selected through image editing section, see (fig 53 (a and b), where various pre set image processing is performed).

Regarding claim 20, Nakabayashi et al teaches the method, (fig 2) wherein the performing includes performing an image polishing operation, (fig 53 (a and b), such as brightness operation).

Regarding claim 21, Nakabayashi et al teaches the method, (fig 2) wherein the performing includes processing the data file with an application program (computer 12 of fig 2, includes application program (OS 12a of fig 2).

Regarding 22, Nakabayashi et al teaches the method, (fig 1), wherein the performing further includes sending the processed data file to a destination, (sending the processed image to destination, through modem 14a of fig 2, to a network connection).

Regarding claim 23, Nakabayashi et al. teaches the method, wherein the destination is a peripheral device, (col.2, paragraph 0016, lines 1-3).

Regarding claim 24, Nakabayashi et al. teaches the method, wherein the peripheral device is selected from the group consisting of a printer (printer 17b of fig 2) and a fax machine (scanner 11a or fax of fig 2).

Regarding claim 25, Nakabayashi et al. teaches the method, (fig 2) wherein the

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application program is selected from the group consisting of an image polishing application, a creative printing application, (out put terminal 17b of fig 2, such as printing system) a photo album application, an e-mail application, (host computer 12, connected to the a net work, via modem 14a of fig 2), web site upload application (modem 14a of fig 2).

Regarding to claim 37, Nakabayashi et al teaches an image processing system, (fig 2), comprising: means (digital camera 11b of fig 2) for acquiring a digital image from an image source; means (computer body 12 of fig 2, which includes a program that control the image processing device of fig 2) for automatically converting the digital image into a data file having a date associated with the digital image, (folder system shown in fig 5, col.12, lines 46-68, through col.13, lines 1-10).

Nakabashi (306) dose not teach or disclose storing the data file into a folder of a file system, the folder having a folder name indicative of the date.

Takemoto (742) teaches storing the data file into a folder of a file system, the folder having a folder name indicative of the date (information indicative of a file name and its creation date is displayed in the folder list, col.1, lines 45-55).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging apparatus of Nakabayashi to include: storing the data file into a folder of a file system, the folder having a folder name indicative of the date.



It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Nakabayashi's imaging device by the teaching of Takemoto (742), it would have help user to provide a meaningful, descriptive name to the file, and therefore, it should be clear to one skilled in the art that anyone of a wide variety of scanning and image processing device, can be similarly employed to accomplish this desired result without depending from the teaching of the present invention.

***Allowable Subject Matter***

3. Claims 1-9, 27-36, 38 and 41 are allowed.

Claims 1-9, are allowed for the reasons the prior art searched or of the record do not teach or disclose a method of optically scanning a target item, comprising: configuring an optical scanning arrangement with predefined settings for scanning parameters appropriate to a photographic image; initiating a scanning operation; in response to the initiating, optically scanning the target item using the predefined settings to form a digital image of the target item; and converting the digital image into a data file, wherein the scanning and the converting are performed automatically without intervention by a user, and wherein the predefined settings are not defined by the user.

Claims 27-34 are allowed for the reasons the prior art searched or of the record do not teach or disclose an image processing system, comprising: at least one image source, each image source for providing at least one digital image upon request; an image capture subsystem coupled to the at least one image source for requesting and receiving the at least one digital image from the at least one image source, the image

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capture subsystem further for associating a date with each digital image and automatically converting each digital image into a corresponding image file; and a file system coupled to the image capture subsystem for automatically storing each image file in a selected one of a plurality of data folders, the selected data folder having a folder name indicative of the date.

Claims 35, is allowed for the reasons the prior art searched or of the record do not teach or disclose 35. A processor readable medium having a processor executable instructions thereon which, when executed by a processor, cause the processor to: acquire a digital image from an image source; automatically convert the digital image into a data file having a date associated with the digital image; and store the data file into a data folder era file system, the folder having a folder name indicative of the date.

Claims 36, is allowed for the reasons the prior art searched or of the record do not teach or disclose a processor-readable medium having processor-executable instructions thereon which, when executed by a processor, cause the processor to: configure an optical scanning arrangement with predefined settings for scanning parameters appropriate to a photographic image; detect an initiation of a scanning operation; in response to the initiation, optically scan the target item using the predefined settings to form a digital image of the target item; and convert the digital image into a data file, wherein the instructions to scan and convert are performed automatically after the initiation without intervention by a user, and wherein the predefined settings are not defined by the user.

Claims 38, is allowed for the reasons the prior art searched or of the record do not teach or disclose an image processing system, comprising: means for configuring an optical scanning arrangement with predefined settings for scanning parameters appropriate to a photographic image; means for initiating a scanning operation; means for optically scanning the target item using the predefined settings to form a digital image of the target item; and means for converting the digital image into a data file, wherein the scanning and the converting are performed automatically without intervention by a user, and wherein the predefined settings are not defined by the user.

Claims 41, is allowed for the reasons the prior art searched or of the record do not teach or disclose an image processing system, comprising: at least one image source, each image source for providing at least one digital image upon request; an image capture subsystem coupled to the at least one image source which requests and receives the at least one digital image from the at least one image source associates a date with each image, and automatically converts each image into a corresponding image file; and a file system coupled to the image capture subsystem which receives each image tile from the image capture subsystem and automatically stores each image file in a selected one of a plurality of data folders, the selected data folder having a folder name indicative of the date.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEGUSSIE WORKU whose telephone number is (571)272-7472. The examiner can normally be reached on 9A-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Negussie Worku/

Examiner, Art Unit 2625